

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

**TERRI COMEAUX
CARROLL COMEAUX**

CIVIL ACTION NO. 07-1580

VS.

JUDGE MELANCON

STATE FARM FIRE & CASUALTY CO.

MAGISTRATE JUDGE METHVIN

JURISDICTIONAL REVIEW RULING

Before the court is defendant's submission on jurisdictional amount, pursuant to court order.¹ Plaintiff has not filed a response.

Plaintiffs allege that their home and its contents, which were insured by defendant, were damaged by Hurricane Rita. Defendant paid for the structural damage, but plaintiffs allege that defendant has refused to pay for the damage to the contents of the home. Plaintiff seeks penalties, damages, and attorney's fees.

Defendant maintains that the policy of insurance, minus the payments which have been previously made, provides coverage for contents of \$43,450.00. Defendant estimates that plaintiff's reasonable attorney's fees are \$15,000.00. Assuming this amount of fees, defendant submits this, in addition to the contents coverage amounts allegedly owed, brings the amount in controversy to \$68,350.00. Considering this amount in addition to penalties under La. R. S. 22:1220 and La. R. S. 22:658, defendant submits the amount in controversy is \$85,025.00. *See Doyle v. Allstate Ins. Co.*, No. 06-1521, 2006 WL 3916579, *2 (W.D. La. Nov. 29, 2006) (noting one court has already awarded as much as \$25,000 in fees on a \$19,000 insurance claim and another had upheld an attorney's fees premised on a 1/3 contingency fee agreement).

¹ Defendant was ordered to file a memorandum with supporting documentation setting forth specific facts in controversy which supported a finding that the jurisdictional amount exists [Rec. Doc. 11]. Defendant's submission was filed as Rec. Doc. 12.

Considering the foregoing, the undersigned concludes that the jurisdictional amount has been established in this case.

Signed at Lafayette, Louisiana, on February 14, 2008.



Mildred E. Methvin
United States Magistrate Judge
800 Lafayette St., Suite 3500
Lafayette, Louisiana 70501
(337) 593-5140 (phone) 593-5155 (fax)